

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

ROBERT SCHELSKE, *et al.*,

Plaintiffs,

v.

LLOYD J. AUSTIN, III,
United States Secretary of Defense, *et al.*,

Defendants.

No. 6:22-cv-0049-H

DEFENDANTS' MOTION TO DISMISS

Defendants respectfully move to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1). As explained in the accompanying memorandum, at the direction of Congress, the Secretary of Defense rescinded the challenged military readiness requirement that members of the armed forces be vaccinated against COVID-19. This case should therefore be dismissed as moot.

Dated: January 20, 2023

Respectfully submitted,

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/s/ Keri Berman

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PROPOSED ORDER

Upon consideration of Defendants' motion to dismiss, it is hereby ORDERED that the motion is GRANTED.

It is further ORDERED that this action is DISMISSED.

It is SO ORDERED.

Dated: _____

JAMES WESLEY HENDRIX
United States District Judge